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7  
8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No.

**2010-533**

11  
12 **MELODY ANN TANNER, AKA**  
**MELODY ANN PERKINS, AKA**  
13 **MELODY ANN PRICKETT**  
**P.O. Box 376**  
14 **Morro Bay, CA 93443**  
**Registered Nurse License No. 495792**

**ACCUSATION**

15  
16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
21 official capacity as the Interim Executive Officer of the Board of Registered Nursing (Board),  
22 Department of Consumer Affairs.

23 2. On or about August 31, 1993, the Board issued Registered Nurse License Number  
24 495792 to Melody Ann Tanner, aka Melody Ann Perkins, aka Melody Ann Prickett  
25 (Respondent). The Registered Nurse License was in full force and effect at all times relevant to  
26 the charges brought herein and will expire on May 31, 2011, unless renewed.  
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1 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as  
2 defined in Section 4022.

3 "(b) Use any controlled substance as defined in Division 10 (commencing with Section  
4 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in  
5 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to  
6 himself or herself, any other person, or the public or to the extent that such use impairs his or her  
7 ability to conduct with safety to the public the practice authorized by his or her license."

8 8. Section 490 of the Code provides, in pertinent part, that a board may suspend or  
9 revoke a license on the ground that the licensee has been convicted of a crime substantially  
10 related to the qualifications, functions, or duties of the business or profession for which the  
11 license was issued.

12 9. California Code of Regulations, title 16, section 1444, states:

13 "A conviction or act shall be considered to be substantially related to the qualifications,  
14 functions or duties of a registered nurse if to a substantial degree it evidences the present or  
15 potential unfitness of a registered nurse to practice in a manner consistent with the public health,  
16 safety, or welfare. Such convictions or acts shall include but not be limited to the following:

17 "(a) Assaultive or abusive conduct including, but not limited to, those violations listed in  
18 subdivision (d) of Penal Code Section 11160.

19 "(b) Failure to comply with any mandatory reporting requirements.

20 "(c) Theft, dishonesty, fraud, or deceit.

21 "(d) Any conviction or act subject to an order of registration pursuant to Section 290 of the  
22 Penal Code."

### 23 COST RECOVERY PROVISION

24 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
25 administrative law judge to direct a licensee found to have committed a violation or violations of  
26 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
27 enforcement of the case.

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1 Administration Record or the nurse's notes of the administration, and no evidence of Demerol  
2 (opiates) in the inmate's drug screen results. Respondent was observed to be under the influence  
3 that day.

### 4 THIRD CAUSE FOR DISCIPLINE

#### 5 (Conviction of Crimes)

6 16. Respondent is subject to disciplinary action under Code sections 490 and 2761,  
7 subdivision (f) in conjunction with California Code of Regulations, title 16, section 1444, in that  
8 she was convicted of crimes substantially related to the qualifications, functions, and duties of a  
9 registered nurse. The circumstances are as follows:

- 10 a. On or about March 30, 2001, in a criminal proceeding entitled *People of the State of*  
11 *California vs. Melody Ann Tanner, aka, Melody Tanner Prickett*, in the Santa Barbara  
12 County Superior Court, Case Number 1017451, Respondent was convicted on her plea  
13 of nolo contendere to one count of violating Penal Code section 368 (E) – theft from  
14 elder or dependent adult by a caretaker - a misdemeanor. The circumstances  
15 surrounding the conviction are that on or about September 21, 2000, Respondent forged  
16 a check in the amount from \$970 of her elderly patient at the assisted living facility  
17 Casa Dorinda Retirement Home in which Respondent worked as a nurse. Respondent  
18 was sentenced to thirty days in jail, placed on three-year probation and ordered not to  
19 work as a caregiver to elder or dependent adults.
- 20 b. On or about April 28, 2004, in a criminal proceeding entitled *People of the State of*  
21 *California vs. Melody Ann Tanner, aka, Melody Tanner Prickett*, in the San Luis  
22 Obispo County Superior Court, Case Number M000350511, Respondent was convicted  
23 on her plea of nolo contendere to one count of violating Penal Code section 484 (A) –  
24 petty theft – a misdemeanor. The circumstances surrounding the conviction are that  
25 from about September 1, 2003 to about November 17, 2003, while living on a house  
26 boat at Morro Bay, Respondent stole an effluent extraction hose which belonged to the  
27 dock owner and lied to the police officer upon being questioned. Respondent was  
28 sentenced to two days in jail and placed on one-year bench probation.

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3. Taking such other and further action as deemed necessary and proper.

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